

The Board of Commissioners met in regular session at 1:30 p.m., on Wednesday, September 27, 2023, in the Commission Room at City Hall conducting the meeting by live streaming with Zoom with Mayor Johnson presiding and Commissioners Moffatt and Vail-Keller present.

Commissioner Moffatt moved to approve the agenda as presented. Seconded by Commissioner Vail-Keller. Motion carried.

Commission reports were heard.

City Clerk's reports were heard.

Community Development Director reports were heard.

Commissioner Vail-Keller moved to approve the consent agenda as presented consisting of minutes from the September 12, 2023 Special Call Meeting; minutes from the September 13, 2023 Meeting; and Appropriation (2023) 17. Seconded by Commissioner Moffatt. Motion carried.

At 1:45 p.m. Commissioner Moffatt moved to recess the meeting to reconvene at 9<sup>th</sup> and Grant Streets for the USD 461 Early Learning Center Groundbreaking Ceremony. Seconded by Commissioner Vail-Keller. Motion carried.

At 2:35 p.m. Commissioner Vail-Keller moved to reconvene at City Hall for the regularly scheduled Commission Meeting. Seconded by Commissioner Moffatt. Motion carried.

Public Comments were invited and heard.

Mayor Johnson read a proclamation designating the week of October 8<sup>th</sup> through October 14<sup>th</sup> as Fire Prevention Week 2023. The proclamation urges all citizens of the City of Neodesha to take note of this year's theme, "Cooking Safety Starts with You. Pay Attention to Fire Prevention". Thank you, Chief Fyfe and members of the Neodesha Fire & EMS Department, for your service to the community.

City Clerk Stephanie Fyfe addressed the Commission regarding an ordinance providing authority for the structures located at 611 Church Street to be demolished and the property made safe. Discussion held.

#### **ORDINANCE NO. 1797**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED AT 611 Church Street, LEGAL DESCRIPTION: West 75' of North 100' of Lot 33 and further described as Beginning at the NW corner of Lot 33 then running South 100', East 75', North 100' and West 75' to point of beginning Resurvey of Ford's Subdivision, City of Neodesha, AUTHORIZING THE FINANCING OF THE COSTS OF SUCH REMOVAL BY THE SALE OF SALVAGE FROM SUCH STRUCTURES, IF ANY, AND/OR FROM THE GENERAL FUND OF THE CITY, AND THE LEVYING OF SPECIAL ASSESSMENTS AGAINST THE LOTS ON WHICH SUCH STRUCTURE IS LOCATED.**

**WHEREAS**, the governing body did after proper notice and hearing as provided by law make findings by Resolution 23-19 dated August 23, 2023, that the structure hereinafter described as unsafe and dangerous and did direct the owner of such structure to repair or remove the same and make the premises safe and secure, together with the statement that if the owner failed to commence the repair or removal within the time fixed by such resolution or failed to diligently prosecute the same until the work was completed, the city would cause the structure to be razed and removed, and

**WHEREAS**, such resolution was published in the official city newspaper and copies of such resolution were mailed to each owner, agent, lienholder of record and occupants of such structures and were otherwise served as required by law, and

**WHEREAS**, the owner has wholly failed to commence the repair or removal of such structures; now therefore

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS:**

**Section 1:** The enforcing officer is hereby authorized and directed to cause the dwelling located at **611 Church Street, LEGAL DESCRIPTION: West 75' of North 100' of Lot 33 and further described as Beginning at the NW corner of Lot 33 then running South 100', East 75', North 100' and West 75' to point of beginning Resurvey of Ford's Subdivision, City of Neodesha**, to be razed and removed and the premises be made safe and secure and for this purpose is authorized to invite bids, negotiate a contract, or cause the work to be done by city employees.

**Section 2:** The enforcing officer shall keep an account of the cost of the work and may sell the salvage from such structures and shall keep an account of the receipts therefrom as provided by law.

**Section 3:** All costs incurred by the city in the razing and removal of such structures and the making of the premises safe and secure shall be paid from moneys received from the sale of salvage therefrom and all moneys in excess of that necessary to pay such costs shall, after the payment of all costs, be paid to the owner of the premises upon which said structures were located: **PROVIDED**, that if there is no salvageable material or if moneys received from the sale of salvage is insufficient to pay the cost of such work, such costs or any portion thereof in excess of the amount received from the sale of salvage shall be assessed as a special assessment against the lots on which the structure was located and may be financed until the assessment is paid out of the general fund of the city.

**Section 4:** **EFFECTIVE DATE.** This ordinance shall be in full force and effect upon its publication in the official city newspaper.

Commissioner Moffatt moved to approve Ordinance 1797, directing the removal of certain dangerous and unsafe structures at 611 Church Street. Seconded by Commissioner Vail-Keller. Motion carried.

City Clerk Stephanie Fyfe addressed the Commission regarding an ordinance providing authority for the structures located at 1316 N 4<sup>th</sup> Street to be demolished and the property made safe. Discussion held.

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**ORDINANCE NO. 1798**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE REMOVAL OF CERTAIN UNSAFE AND DANGEROUS STRUCTURES LOCATED AT 1316 N 4<sup>th</sup> Street, on LEGAL DESCRIPTION: Lots 8 and 9, Block 3, E.M. Cooper's Addition, City of Neodesha, Wilson County, Kansas, AUTHORIZING THE FINANCING OF THE COSTS OF SUCH REMOVAL BY THE SALE OF SALVAGE FROM SUCH STRUCTURES, IF ANY, AND/OR FROM THE GENERAL FUND OF THE CITY, AND THE LEVYING OF SPECIAL ASSESSMENTS AGAINST THE LOTS ON WHICH SUCH STRUCTURE IS LOCATED.**

**WHEREAS**, the governing body did after proper notice and hearing as provided by law make findings by Resolution 23-20 dated August 23, 2023, that the structure hereinafter described as unsafe and dangerous and did direct the owner of such structure to repair or remove the same and make the premises safe and secure, together with the statement that if the owner failed to commence the repair or removal within the time fixed by such resolution or failed to diligently prosecute the same until the work was completed, the city would cause the structure to be razed and removed, and

**WHEREAS**, such resolution was published in the official city newspaper and copies of such resolution were mailed to each owner, agent, lienholder of record and occupants of such structures and were otherwise served as required by law, and

**WHEREAS**, the owner has wholly failed to commence the repair or removal of such structures; now therefore

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS:**

Section 1: The enforcing officer is hereby authorized and directed to cause the dwelling located at t1316 N 4<sup>th</sup> Street, on **LEGAL DESCRIPTION: Lots 8 and 9, Block 3, E.M. Cooper's Addition, City of Neodesha, Wilson County, Kansas**, to be razed and removed and the premises be made safe and secure and for this purpose is authorized to invite bids, negotiate a contract, or cause the work to be done by city employees.

Section 2: The enforcing officer shall keep an account of the cost of the work and may sell the salvage from such structures and shall keep an account of the receipts therefrom as provided by law.

Section 3: All costs incurred by the city in the razing and removal of such structures and the making of the premises safe and secure shall be paid from moneys received from the sale of salvage therefrom and all moneys in excess of that necessary to pay such costs shall, after the payment of all costs, be paid to the owner of the premises upon which said structures were located: **PROVIDED**, that if there is no salvageable material or if moneys received from the sale of salvage is insufficient to pay the cost of such work, such costs or any portion thereof in excess of the amount received from the sale of salvage shall be assessed as a special assessment against the lots on which the structure was located and may be financed until the assessment is paid out of the general fund of the city.

Section 4: **EFFECTIVE DATE.** This ordinance shall be in full force and effect upon its publication in the official city newspaper.

Commissioner Vail-Keller moved to approve Ordinance 1798, directing the removal of certain dangerous and unsafe structures at 1316 N 4<sup>th</sup> Street. Seconded by Commissioner Moffatt. Motion carried.

City Clerk Stephanie Fyfe addressed the Commission regarding the consideration of an Ordinance modifying the zoning for 920 Grant Street. This Ordinance changes the zoning of this property from Residential to Public-Semi Public. Discussion held.

**ORDINANCE NO. 1799**

**AN ORDINANCE RELATING TO THE REZONING AND CHANGING OF THE OFFICIAL ZONING MAP OF THE CITY OF NEODESHA, KANSAS, FROM RESIDENTIAL TO PUBLIC-SEMI PUBLIC OF CERTAIN LOTS IN THE CITY OF NEODESHA, WILSON COUNTY, KANSAS AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS:**

Section 1. That the following described real estate situated in the City of Neodesha, Wilson County, Kansas, to-wit:

**Block Two (2), Lots 15 and 16, Shutt's First Addition to the City of Neodesha, Wilson County, Kansas.**

**Also known as 920 Grant.**

hereinbefore designated in the Residential zone, is hereby rezoned to be included in the Public-Semi Public zone, as defined and determined by Ordinance No. 1199 of the City of Neodesha, Kansas.

Section 2. All ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. This Ordinance shall be in force and take effect from and after its adoption and publication once in the official newspaper of the City.

Commissioner Moffatt moved to approve Ordinance 1799 regarding the zoning classification for 920 Grant Street. Seconded by Commissioner Vail-Keller. Motion carried.

City Clerk Stephanie Fyfe addressed the Commission regarding a depository resolution providing authority for management of City funds. This change is due in part to the resignation of former City Administrator Ed Truelove. Discussion held.

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**RESOLUTION NO. 23-23**

**NOW**, on this 27<sup>th</sup> day of September, 2023, at a regular meeting of the Governing Body of the City of Neodesha, Kansas, the following Resolution was adopted.

**WHEREAS**, the Bank of Commerce; the Equity Bank of Neodesha; and the Community National Bank of Neodesha, Kansas, have been designated as depositories for the funds of the City of Neodesha, Kansas; and

**WHEREAS**, certain officers and Commissioners of the City of Neodesha, Kansas, have been designated and authorized to deposit and withdraw said funds upon checks, drafts, notes, or orders of the City of Neodesha, Kansas.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS:**

**Section 1.** That the Bank of Commerce of Neodesha, Kansas, be and it is hereby designated a depository of the City of Neodesha, Kansas, for its General Account 010111; Petty Cash Account 104361; Flexi-Vest Account 751278; Fire Insurance Proceeds Fund Account 753564; Employee Benefits Account 116912; Raw Water Project Bond Account 3001673; Emergency Equipment Reserve Fund Account 3006011; and Norman No Oil Well and Museum Account 3004025; and that the funds in said accounts so deposited may be withdrawn upon a check, draft, note, or order of the City of Neodesha, Kansas.

**Section 2.** That all checks, drafts, notes or orders drawn against the General Account 010111 shall be signed by one of the following:

<u>NAME</u>	<u>TITLE</u>
Devin Johnson	Mayor
J. D. Moffatt	Vice Mayor
Emily Vail-Keller	Commissioner
Anita Buchanan	Interim Treasurer

and countersigned by Stephanie Fyfe, City Clerk of the City of Neodesha, Kansas; whose signatures shall be duly certified to said Bank and that no checks, drafts, notes or order drawn against said Bank on said account shall be valid unless so signed.

**Section 3.** That all checks, drafts, notes or orders drawn against the Flexi-Vest Account 751278, and the Fire Insurance Proceeds Fund Account 753564 shall be signed by one of the following:

<u>NAME</u>	<u>TITLE</u>
Devin Johnson	Mayor
J. D. Moffatt	Vice Mayor
Emily Vail-Keller	Commissioner

and countersigned by Stephanie Fyfe, City Clerk of the City of Neodesha, Kansas, whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank on said accounts shall be valid unless so signed.

**Section 4.** That all checks, drafts, notes or orders drawn against the Petty Cash Account 104361 shall be signed by one of the following:

<u>NAME</u>	<u>TITLE</u>
Rhonda Howell	Assistant City Clerk
Anita Buchanan	Utility Billing Supervisor

and countersigned by Stephanie Fyfe, City Clerk of the City of Neodesha, Kansas; whose signatures shall be duly certified to said Bank and that no checks, drafts, notes or order drawn against said Bank on said account shall be valid unless so signed.

**Section 5.** That all checks, drafts, notes or orders drawn against Raw Water Project Bond Account 3001673; and Norman No Oil Well and Museum Account 3004025 shall be signed by two of the following:

<u>NAME</u>	<u>TITLE</u>
Stephanie Fyfe	City Clerk
Devin Johnson	Mayor
J. D. Moffatt	Vice Mayor
Emily Vail-Keller	Commissioner

**Section 6.** That all checks, drafts, notes or orders drawn against Employee Benefits Account 116912 shall be signed or requested by one of the following:

<u>NAME</u>	<u>TITLE</u>
Devin Johnson	Mayor
J. D. Moffatt	Vice Mayor
Emily Vail-Keller	Commissioner

and countersigned by Stephanie Fyfe, City Clerk of the City of Neodesha, Kansas; whose signatures shall be duly certified to said Bank  
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and that no checks, drafts, notes or order drawn against said Bank on said account shall be valid unless so signed.

**Section 7.** That all checks, drafts, notes or orders drawn against the Emergency Equipment Reserve Fund Account 3006011 shall be signed by one of the following:

<u>NAME</u>	<u>TITLE</u>
Devin Johnson	Mayor
J. D. Moffatt	Vice Mayor
Emily Vail-Keller	Commissioner
Anita Buchanan	Interim Treasurer

and countersigned by Stephanie Fyfe, City Clerk of the City of Neodesha, Kansas; whose signatures shall be duly certified to said Bank and that no checks, drafts, notes or order drawn against said Bank on said account shall be valid unless so signed.

**Section 8.** That the signatures mentioned in Sections 2, 3, 4, 5, and 6 above shall be duly certified to said Bank of Commerce of Neodesha, Kansas; and that no checks, drafts, notes or orders drawn against said Bank shall be valid unless so signed. That said Bank is hereby authorized and directed to honor and pay any checks, drafts, notes or orders so drawn, whether such checks, drafts, notes or orders be payable to the order of any such person signing and/or countersigning said checks, drafts, notes or orders, or any of such persons in their individual capacities or not, and whether such checks, drafts, notes or orders are deposited to the individual credit of the person so signing and/or countersigning said checks, drafts, notes or orders, or to the individual credit of any of the other officers or not.

**Section 9.** That Equity Bank of Neodesha, Kansas, be and is hereby designated a depository of the City of Neodesha for the purpose of investing idle funds in time certificates of deposit and that all checks, drafts, notes or orders shall be signed or requested by one of the following:

<u>NAME</u>	<u>TITLE</u>
Devin Johnson	Mayor
J. D. Moffatt	Vice Mayor
Emily Vail-Keller	Commissioner

and countersigned by Stephanie Fyfe, City Clerk of the City of Neodesha, Kansas, whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank on said accounts shall be valid unless so signed.

**Section 10.** That the Community National Bank of Neodesha, Kansas, be and is hereby designated a depository of the City of Neodesha for the purpose of investing idle funds in time certificates of deposit and that all checks, drafts, notes or orders shall be signed or requested by one of the following:

<u>NAME</u>	<u>TITLE</u>
Devin Johnson	Mayor
J. D. Moffatt	Vice Mayor
Emily Vail-Keller	Commissioner

and countersigned by Stephanie Fyfe, City Clerk of the City of Neodesha, Kansas, whose signatures shall be duly certified to said Bank, and that no checks, drafts, notes or orders drawn against said Bank on said accounts shall be valid unless so signed.

**Section 11.** That this Resolution shall take effect upon its adoption by the Governing Body of the City of Neodesha, Kansas.

Commissioner Vail-Keller moved to adopt Resolution 23-23 as presented. Seconded by Commissioner Moffatt. Motion carried.

City Clerk Stephanie Fyfe addressed the Commission regarding the concurrence and ratification of an immediate hazard event. Due to public concerns for safety, and the perceived danger associated with a brick wall structure located at 311 N 4<sup>th</sup> Street, Staff ordered the immediate removal of fallen brick from the brick wall structure. Discussion held.

Commissioner Moffatt moved to approve the removal of the portion of the fallen brick structure located at 311 N 4<sup>th</sup> Street. Seconded by Commissioner Vail-Keller. Motion carried.

City Clerk Stephanie Fyfe addressed the Commission regarding an Amendment and approval of the Letter of Conditions related to the City’s Water Systems Improvements Project. Water Director Jay Bair was present to aid in the discussion. Also present, by Zoom, was Mike Billings, USDA-RD. Discussion held.

Commissioner Vail-Keller moved to approve the USDA-RD Amendment to the Letter of Conditions for the final phase of the water systems improvements project, and authorize the Mayor to sign the paperwork. Seconded by Commissioner Moffatt. Motion carried.

City Clerk Stephanie Fyfe asked the Governing Body to convene as the Neodesha Land Bank to consider the donation of property located at 421 N 9<sup>th</sup> Street.

Commissioner Moffatt moved to convene as the Neodesha Land Bank to discuss the donation of property. Seconded by Commissioner Vail-Keller. Motion carried.

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Commissioner Vail-Keller moved to approve accepting the donation of property located at 421 N 9<sup>th</sup> Street. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Moffatt moved to adjourn as the Neodesha Land Bank and re-convene as the City of Neodesha Governing Body. Seconded by Commissioner Vail-Keller. Motion carried.

City Clerk Stephanie Fyfe addressed the Commission regarding the purchase of a raw water intake pump. Water Director Jay Bair was present to aid in the discussion. Discussion held.

Commissioner Vail-Keller moved to approve the purchase of a raw water pump from Fluid Equipment, at a cost not to exceed \$9,931.31. Seconded by Commissioner Moffatt. Motion carried.

City Clerk Stephanie Fyfe addressed the Commission regarding bids received for Riverwalk Park concrete pads. Discussion held.

Commissioner Moffatt moved to approve the Riverwalk Park Concrete Pad Project for tables, benches, trash cans, and the pad at the Pay Station bid by REcrete Designs, at a cost not to exceed \$11,700. Seconded by Commissioner Vail-Keller. Motion carried.

City Clerk Stephanie Fyfe addressed the Commission regarding a request for additional funding for the WMC Fall Festival Event. Discussion held.

Commissioner Moffatt moved to approve additional funding to maintain the band line-up at the public event for the WMC Fall Festival, in an amount not to exceed \$1,500. Seconded by Mayor Johnson voting aye, and Commissioner Vail-Keller voting nay. Motion passed 2 – 1.

City Clerk Stephanie Fyfe addressed the Commission regarding a request from Clara McCabe, WMC, to approve a cereal malt beverage license for the WMC Fall Festival Event. Discussion held.

Commissioner Vail-Keller moved to approve the Cereal Malt Beverage License for Wilsom Medical Center for the WMC Fall Festival Event for October 7<sup>th</sup> & October 8<sup>th</sup>, 2023. Seconded by Commissioner Moffatt. Motion carried.

Commissioner Vail-Keller moved to recess to an Executive Session to include the Governing Body, City Clerk, and Police Chief in the Commission Room to discuss an individual employee’s performance pursuant to the non-elected personnel matter exception KSA 75-4319(b)(1) because if this matter were discussed in open session, it might invade the privacy of those discussed. The open meeting will resume in the Commission Room at 3:35 p.m. Seconded by Commissioner Moffatt. Motion carried. The live streamed Zoom meeting was then placed on hold with audio, video and recording ceased.

At 3:35 p.m. the regular meeting of the Governing Body reconvened in the Commission Room at City Hall. The live streamed Zoom meeting then resumed with audio, video and recording. No action taken.

The next regular meeting of the Governing Body will be held at City Hall on Wednesday, October 11, 2023 at 2:00 p.m.

At 3:35 p.m. Commissioner Moffatt moved to adjourn. Seconded by Commissioner Vail-Keller. Motion carried.

ATTEST:

/s/ Devin Johnson

Devin Johnson, Mayor

/s/ Stephanie Fyfe

Stephanie Fyfe, City Clerk